

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6730

BILL NUMBER: HB 1221

NOTE PREPARED: Jan 26, 2012

BILL AMENDED: Jan 26, 2012

SUBJECT: Spotlighting Wild Animals; Fish and Wildlife License Suspension.

FIRST AUTHOR: Rep. Karickhoff

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill defines "spotlight" as a projected spot of light used to direct a narrow, intense beam on a person, animal, or object. The bill provides that a person who, between October 1 and January 15, shines a spotlight, searchlight, or other artificial light upon a wild animal for the purpose of locating a wild animal commits a Class C infraction. The bill establishes certain exceptions.

The bill requires a court to suspend for two years the hunting, fishing, and trapping license privileges of a person who incurs a second conviction or judgment for shining a light on a wild bird or wild animal. The bill also allows a court to suspend certain fish and wildlife license privileges for two years for a violation of a wildlife protection law.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Because a license must be renewed annually, only a lifetime license could be suspended for more than one year. An annual license could be suspended for a year. In order to prevent an individual with an annual license that has been suspended from obtaining another license during the second year, the Department of Natural Resources (DNR) would need to be notified of a court action suspending a license. DNR licenses are issued electronically using software that currently has the ability to block the issuance of a license for a suspended individual.

IC 14-22-12-7 provides that the DNR could issue lifetime licenses before July 1, 2005. The DNR reported that

with the exception of senior fish-for-life licenses, lifetime licensing was discontinued July 1, 2005, but prior to that time, the DNR sold 48,467 lifetime licenses.

Penalty Provision: There are no data available to indicate how many people may be convicted of a Class C infraction for shining an artificial light for the purpose of locating a wild animal. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), the public defense administration fee (\$5), the court administration fee (\$5), and the judicial insurance adjustment fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Department of Natural Resources.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: DNR.

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